

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DARRELL JENKINS,

Plaintiff,

v.

AYODEJI ODUNLAMI, et al.,

Defendants.

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Case No. 6:23-cv-157-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Darrell Jenkins, a Texas Department of Criminal Justice inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

Before the Court is Defendants Wayne Evans, Daniel Jett, Ayodeji Odunlami, and Bukola Ogunjobi's motion for summary judgment. Docket No. 21. On May 13, 2024, Judge Love issued a Report and Recommendation recommending that the Court deny Defendants' summary judgment motion because Defendants failed to support their motion with competent summary judgment evidence. Docket No. 24. The Report also recommended setting a new deadline for Defendants to file a motion that complies with the Federal Rules of Civil Procedure and the Local Rules. No objections to the Report have been received.

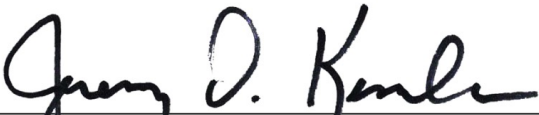
This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no party objected in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 24) as the findings of this Court and **DENIES** Defendants’ summary judgment motion (Docket No. 21) without prejudice. Defendants may file a renewed motion for summary judgment supported by competent summary judgment evidence and complying with the Federal Rule of Civil Procedure and the Local Rules by **July 19, 2024**.

So ordered and signed on this

Jun 13, 2024



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE